

AMENDED IN SENATE JUNE 11, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 645

Introduced by Assembly Member Niello

February 25, 2009

~~An act to amend Sections 6795, 6799, 8801, and 8805 of the Business and Professions Code, relating to professions and vocations, and making an appropriation therefor. An act to amend Sections 6735, 6735.3, 6735.4, 6764, 8750, 8761, and 8764.5 of the Business and Professions Code, relating to professional engineers and land surveyors.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 645, as amended, Niello. Professional engineers and land surveyors: licensing.

Existing law, the Professional Engineers Act, provides for the licensing and regulation of the practice of civil engineering, electrical engineering, mechanical engineering, and the Professional Land Surveyors Act provides for licensing and regulation of land surveying by the Board of Professional Engineers and Land Surveyors. A violation of these acts is a crime.

Existing law requires that any civil engineering, mechanical engineering, or electrical engineering plans and other specified documents, prepared by a registered engineer, that are permitted or that are to be released for construction shall bear the signature and seal or stamp of the registrant, the date of signing and sealing or stamping, and the expiration date of the certificate, authority, or registration.

This bill would instead require that these documents bear the signature and seal of the licensee and the date of signing and sealing or stamping.

Existing law permits a licensed land surveyor to obtain a stamp or seal with the designation “Licensed Land Surveyor” containing the expiration date of the license. Existing law requires that specified multiple page land surveying documents contain the signature, seal or stamp, date of signing and sealing or stamping, and expiration date of the license on specified pages.

This bill would create a state-mandated local program by requiring licensed land surveyors to obtain the stamp or seal and would eliminate the requirement that the license expiration date appear on the stamp or seal and the multiple page land surveying documents. This bill would also make nonsubstantive, technical, and conforming changes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law provides for the licensure and regulation of professional engineers and land surveyors by the Board of Professional Engineers and Land Surveyors in the Department of Consumer Affairs, and requires licenses issued by the board to be renewed every 2 years. Existing law authorizes the board to fix license application fees, up to specified maximum amounts, and provides for other fees, the amounts of which are based on the amount of the application fees. Those fees are deposited into the Professional Engineers and Land Surveyors Fund, a continuously appropriated fund.~~

~~This bill would instead require licenses issued by the board to be renewed every 4 years and would double the maximum amounts of the license application fees. By increasing the amount of funds deposited into a continuously appropriated fund, the bill would make an appropriation.~~

Vote: majority. Appropriation: ~~yes~~-no. Fiscal committee: yes. State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 6735 of the Business and Professions*
2 *Code is amended to read:*

3 6735. (a) All civil (including structural and geotechnical)
4 engineering plans, calculations, specifications, and reports
5 (hereinafter referred to as “documents”) shall be prepared by, or
6 under the responsible charge of, a ~~registered~~ *licensed* civil engineer
7 and shall include his or her name and license number. Interim
8 documents shall include a notation as to the intended purpose of
9 the document, such as “preliminary,” “not for construction,” “for
10 plan check only,” or “for review only.” All civil engineering plans
11 and specifications that are permitted or that are to be released for
12 construction shall bear the signature and seal or stamp of the
13 ~~registrant, licensee and the date of signing and sealing or stamping;~~
14 ~~and the expiration date of the certificate or authority.~~ All final civil
15 engineering calculations and reports shall bear the signature and
16 seal or stamp of the ~~registrant, licensee, and the date of signing~~
17 ~~and sealing or stamping, and the expiration date of the certificate~~
18 ~~or authority.~~ If civil engineering plans are required to be signed
19 and sealed or stamped and have multiple sheets, the signature, seal
20 or stamp, *and* date of signing and sealing or stamping, ~~and~~
21 ~~expiration date of the certificate or authority~~ shall appear on each
22 sheet of the plans. If civil engineering specifications, calculations,
23 and reports are required to be signed and sealed or stamped and
24 have multiple pages, the signature, seal or stamp, *and* date of
25 signing and sealing or stamping, ~~and expiration date of the~~
26 ~~certificate or authority~~ shall appear at a minimum on the title sheet,
27 cover sheet, or signature sheet.

28 (b) Notwithstanding subdivision (a), a ~~registered~~ *licensed* civil
29 engineer who signs civil engineering documents shall not be
30 responsible for damage caused by subsequent changes to or uses
31 of those documents, if the subsequent changes or uses, including
32 changes or uses made by state or local governmental agencies, are
33 not authorized or approved by the ~~registered~~ *licensed* civil engineer
34 who originally signed the documents, provided that the engineering
35 service rendered by the civil engineer who signed the documents
36 was not also a proximate cause of the damage.

37 *SEC. 2. Section 6735.3 of the Business and Professions Code*
38 *is amended to read:*

6735.3. (a) All electrical engineering plans, specifications, calculations, and reports (hereinafter referred to as “documents”) prepared by, or under the responsible charge of, a ~~registered~~ *licensed* electrical engineer shall include his or her name and license number. Interim documents shall include a notation as to the intended purpose of the document, such as “preliminary,” “not for construction,” “for plan check only,” or “for review only.” All electrical engineering plans and specifications that are permitted or that are to be released for construction shall bear the signature and seal or stamp of the ~~registrant, licensee and~~ the date of signing and sealing or stamping, ~~and the expiration date of the registration.~~ All final electrical engineering calculations and reports shall bear the signature and seal or stamp of the ~~registrant, licensee and~~ the date of signing and sealing or stamping, ~~and the expiration date of the registration.~~ If electrical engineering plans are required to be signed and sealed ~~or stamped~~ and have multiple sheets, the signature, seal or stamp, *and* date of signing and sealing or stamping, ~~and expiration date of the registration~~ shall appear on each sheet of the plans. If electrical engineering specifications, calculations, and reports are required to be signed and sealed or stamped and have multiple pages, the signature, seal or stamp, *and* date of signing and sealing or stamping, ~~and expiration date of the registration~~ shall appear at a minimum on the title sheet, cover sheet, or signature sheet.

(b) Notwithstanding subdivision (a), a ~~registered~~ *licensed* electrical engineer who signs electrical engineering documents shall not be responsible for damage caused by subsequent changes to or uses of those documents, if the subsequent changes or uses, including changes or uses made by state or local governmental agencies, are not authorized or approved by the ~~registered~~ *licensed* electrical engineer who originally signed the documents, provided that the engineering service rendered by the electrical engineer who signed the documents was not also a proximate cause of the damage.

SEC. 3. Section 6735.4 of the Business and Professions Code is amended to read:

6735.4. (a) All mechanical engineering plans, specifications, calculations, and reports (hereinafter referred to as “documents”) prepared by, or under the responsible charge of, a ~~registered~~ *licensed* mechanical engineer shall include his or her name and

license number. Interim documents shall include a notation as to the intended purpose of the document, such as “preliminary,” “not for construction,” “for plan check only,” or “for review only.” All mechanical engineering plans and specifications that are permitted or that are to be released for construction shall bear the signature and seal or stamp of the ~~registrant~~, licensee and the date of signing and sealing or stamping, ~~and the expiration date of the registration~~. All final mechanical engineering calculations and reports shall bear the signature and seal or stamp of the ~~registrant~~, licensee and the date of signing and sealing or stamping, ~~and the expiration date of the registration~~. If mechanical engineering plans are required to be signed and sealed ~~or stamped~~ and have multiple sheets, the signature, seal or stamp, *and* date of signing and sealing or stamping, ~~and expiration date of the certificate of registration~~ shall appear on each sheet of the plans. If mechanical engineering specifications, calculations, and reports are required to be signed and sealed or stamped and have multiple pages, the signature, seal or stamp, *and* date of signing and sealing or stamping, ~~and expiration date of the registration~~ shall appear at a minimum on the title sheet, cover sheet, or signature sheet.

(b) Notwithstanding subdivision (a), a ~~registered~~ *licensed* mechanical engineer who signs mechanical engineering documents shall not be responsible for damage caused by subsequent changes to or uses of those documents, if the subsequent changes or uses, including changes or uses made by state or local governmental agencies, are not authorized or approved by the ~~registered~~ *licensed* mechanical engineer who originally signed the documents, provided that the engineering service rendered by the mechanical engineer who signed the documents was not also a proximate cause of the damage.

SEC. 4. Section 6764 of the Business and Professions Code is amended to read:

6764. Each professional engineer ~~registered~~ *licensed* under this chapter shall, upon ~~registration~~ *licensure*, obtain a seal or stamp of a design authorized by the board bearing the ~~registrant's~~ *licensee's* name, number of his or her certificate or authority, the legend “professional engineer” and the designation of the particular branch or authority in which he or she is ~~registered~~, *and may bear the expiration date of the certificate or authority licensed*.

1 *SEC. 5. Section 8750 of the Business and Professions Code is*
2 *amended to read:*

3 8750. Upon being licensed, each licensee ~~may~~ *shall* obtain a
4 stamp or seal of the design authorized by the board bearing the
5 licensee's name, number of certificate, and the legend "Licensed
6 Land Surveyor," or "Professional Land Surveyor." ~~The stamp or~~
7 ~~seal shall contain the expiration date of the license, or a space~~
8 ~~within which the expiration date must be written.~~

9 *SEC. 6. Section 8761 of the Business and Professions Code is*
10 *amended to read:*

11 8761. (a) Any licensed land surveyor or civil engineer
12 authorized to practice land surveying may practice land surveying
13 and prepare maps, plats, reports, descriptions, or other documentary
14 evidence in connection with that practice. ~~All~~

15 (b) *All* maps, plats, reports, descriptions, or other *land surveying*
16 documents shall be prepared by, or under the responsible charge
17 of a licensed land surveyor or civil engineer authorized to practice
18 land surveying and shall include his or her name and license
19 number. ~~If the document has multiple pages or sheets, the signature,~~
20 ~~the seal or stamp, date of signing and sealing or stamping, and~~
21 ~~expiration date of the license shall appear, at a minimum, on the~~
22 ~~title sheet, cover sheet or page, or signature sheet.~~

23 ~~(b)~~
24 (c) Interim maps, plats, reports, descriptions, or other *land*
25 *surveying* documents shall include a notation as to the intended
26 purpose of the map, plat, report, description, or other document,
27 such as "preliminary" or "for examination only."

28 ~~(e)~~
29 (d) All final maps, plats, reports, descriptions, or other *land*
30 *surveying* documents issued by a licensed land surveyor or civil
31 engineer authorized to practice land surveying shall bear the
32 signature and seal or stamp of the licensee; *and* the date of signing
33 and sealing or stamping, ~~and the expiration date of the license.~~ *If*
34 *the land surveying document has multiple pages or sheets, the*
35 *signature, seal or stamp, and date of signing and sealing or*
36 *stamping shall appear, at a minimum, on the title sheet, cover*
37 *sheet or page, or signature sheet, unless otherwise required by*
38 *law.*

39 ~~(d)~~

(e) It is unlawful for any person to sign, stamp, seal, or approve any map, plat, report, description, or other *land surveying* document unless the person is authorized to practice land surveying.

(e)

(f) It is unlawful for any person to stamp or seal any map, plat, report, description, or other *land surveying* document with the seal or stamp after the certificate of the licensee that is named on the seal or stamp has expired or has been suspended or revoked, unless the certificate has been renewed or reissued.

SEC. 7. Section 8764.5 of the Business and Professions Code is amended to read:

8764.5. Statements shall appear on the map as follows:

Surveyor's Statement

This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Professional Land Surveyors' Act at the request of _____
Name of Person Authorizing Survey
in ____, 20__.

(Signed and sealed) _____

L.S. (or R.C.E.) No. _____

~~License expiration date~~ _____

County Surveyor's Statement

This map has been examined in accordance with Section 8766 of the Professional Land Surveyors' Act this ____ day of ____, 20__.

(Signed and sealed) _____

County Surveyor

L.S. (or R.C.E.) No. _____

~~License expiration date~~ _____

Recorder's Statement

Filed this ____ day of ____, 20__, at ____m. in Book ____ of ____ at page ____, at the request of ____.

(Signed) _____
County Recorder

No other statements may appear on the face of the map except those required or authorized by this article.

SEC. 8. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

~~SECTION 1. Section 6795 of the Business and Professions Code is amended to read:~~

~~6795. Certificates of registration as a professional engineer, and certificates of authority, shall be valid for a period of four years from the assigned date of renewal. Quadrennial renewals shall be staggered on a monthly basis. To renew an unexpired certificate, the certificate holder shall, on or before the date of expiration indicated on the renewal receipt, apply for renewal on a form prescribed by the board, and pay the renewal fee prescribed by this chapter.~~

~~SEC. 2. Section 6799 of the Business and Professions Code is amended to read:~~

~~6799. The amount of the fees prescribed by this chapter shall be fixed by the board in accordance with the following schedule:~~

~~(a) The fee for filing each application for licensure as a professional engineer and each application for authority level designation at not more than eight hundred dollars (\$800); and for each application for certification as an engineer-in-training at not more than two hundred dollars (\$200);~~

~~(b) The temporary authorization fee for a professional engineer at not more than 25 percent of the application fee in effect on the date of application;~~

~~(c) The renewal fee for each branch of professional engineering in which licensure is held, and the renewal fee for each authority~~

1 level designation held, at no more than the professional engineer
2 application fee currently in effect.

3 (d) ~~The fee for a retired license at not more than 50 percent of~~
4 ~~the professional engineer application fee in effect on the date of~~
5 ~~application.~~

6 (e) ~~The delinquency fee at not more than 50 percent of the~~
7 ~~renewal fee in effect on the date of reinstatement.~~

8 (f) ~~The board shall establish by regulation an appeal fee for~~
9 ~~examination. The regulation shall include provisions for an~~
10 ~~applicant to be reimbursed the appeal fee if the appeal results in~~
11 ~~passage of examination. The fee charged shall be no more than~~
12 ~~the costs incurred by the board.~~

13 (g) ~~All other document fees are to be set by the board by rule.~~

14 ~~Applicants wishing to be examined in more than one branch of~~
15 ~~engineering shall be required to pay the additional fee for each~~
16 ~~examination after the first.~~

17 SEC. 3. ~~Section 8801 of the Business and Professions Code is~~
18 ~~amended to read:~~

19 ~~8801. Licenses issued under this chapter expire every four~~
20 ~~years, if not renewed. Quadrennial renewals shall be staggered on~~
21 ~~a quarterly basis. To renew an unexpired license the licenseholder~~
22 ~~shall on or before the date of expiration indicated on the renewal~~
23 ~~receipt, apply for renewal on a form prescribed by the board, and~~
24 ~~pay the renewal fee prescribed by this chapter.~~

25 SEC. 4. ~~Section 8805 of the Business and Professions Code is~~
26 ~~amended to read:~~

27 ~~8805. The amount of the fees prescribed by this chapter shall~~
28 ~~be fixed by the board in accordance with the following schedule:~~

29 (a) ~~The fee for filing each application for licensure as a land~~
30 ~~surveyor at not more than eight hundred dollars (\$800), and for~~
31 ~~each application for certification as a land surveyor-in-training~~
32 ~~(LSIT) at not more than two hundred dollars (\$200).~~

33 (b) ~~The renewal fee for a land surveyor at not more than the~~
34 ~~application fee.~~

35 (c) ~~The fee for a retired license at not more than 50 percent of~~
36 ~~the professional land surveyor application fee in effect on the date~~
37 ~~of application.~~

38 (d) ~~The delinquency fee at not more than 50 percent of the~~
39 ~~renewal fee in effect on the date of reinstatement.~~

- 1 ~~(e) The board shall establish by regulation an appeal fee for~~
- 2 ~~examination. The regulation shall include provisions for an~~
- 3 ~~applicant to be reimbursed the appeal fee if the appeal results in~~
- 4 ~~passage of examination. The fee shall be no more than the costs~~
- 5 ~~incurred by the board.~~
- 6 ~~(f) All other document fees are to be set by the board by rule.~~